

M E M O R A N D U M

TO: Andrew Rivera, Planning Commission Coordinator
Planning and Zoning Department

FROM: Andy Halm, Property Agent Senior
Land Management Section
Office of Real Estate Services

DATE: May 16, 2016

SUBJECT: F#9647-1602 – Encroachment of the 13th 1/2 Street right-of-way by the exterior chimney and facade of an existing structure.

Attached are the departmental comments and other information pertinent to the referenced right of way encroachment. **The proposed encroachment includes an existing chimney and exterior facade located on the south side of the building. The area of encroachment is approximately 50 square feet.** All affected departments and private utility franchise holders have reviewed this request and recommend approval.

The applicant has requested that this item be submitted for placement on the **May 24th, 2016, Planning Commission Agenda** for their consideration.

Staff contact: Eric Hammack at 974-7079, or landmanagement@austintexas.gov

Applicant: Mr. Fayez Kazi, of Civilitude

Property Owner: Austin Spirits, LLC – represented by Mr. Lewis Goldstein

Mr. Goldstein or his delegate will be present to answer any questions regarding the encroachment or proposed property use.

Andy Halm, Property Agent Senior
Land Management Section

OFFICE OF REAL ESTATE SERVICES
Attachments

DEPARTMENTAL COMMENTS FOR THE ENCROACHMENT OF THE 13th ½ STREET
RIGHT OF WAY BY AN EXISTING CHIMNEY AND EXTERIOR BUILDING FAÇADE.

AT&T	APPROVE – conditioned upon no pole relocation
AUSTIN ENERGY	APPROVE
AUSTIN RESOURCE RECOVERY	APPROVE
AUSTIN TRANSPORTATION	APPROVE
AUSTIN WATER	APPROVE
CTM – GAATN	APPROVE
CAPITAL METRO	APPROVE
EMS	APPROVE
FIRE	APPROVE
GOOGLE	APPROVE
GRANDE COMMUNICATIONS	APPROVE
PARD	APPROVE
PLANNING & DEVELOPMENT REVIEW (Land Use Review-Engineering)	APPROVE
PLANNING & DEVELOPMENT REVIEW (Land Use Review-Transportation)	APPROVE
PLANNING & DEVELOPMENT REVIEW (Neighborhood Planning)	PLANNING COMMISSION
PLANNING & DEVELOPMENT REVIEW (Urban Design)	APPROVE
PLANNING & DEVELOPMENT REVIEW (Zoning Review)	APPROVE
PUBLIC WORKS (Office of the City Engineer)	APPROVE
TEXAS GAS SERVICES	APPROVE
TIME WARNER	APPROVE
URBAN TRAILS	APPROVE
WATERSHED PROTECTION (Engineering)	APPROVE

MEMORANDUM

Case No.: 9647-1602

Date: 2/16/16

SUBJECT: **ENCROACHMENT OF STREET RIGHT OF WAY**

() Lucy Cabading	AT&T	() Marilyn Lamensdorf	PARD
() Melody Giambruno	Austin Energy	() David Marquez	DSD (LUR-Engineering)
() Katrina Fenrick	Austin Resource Recovery	() Sangeeta Jain	DSD (LUR-Transportation)
() Rob Spillar	Austin Transportation Director	() Mark Walters	P&Z (Comp. Planning)
() Angela Baez	Austin Water	() Humberto Rey	P&Z (Urban Design)
() Roberto Gonzalez	Capital Metro	() Wendy Rhoades	P&Z (Zoning Review)
() Bruna Quinonez	Code Compliance	() David Boswell	PWD – Office of City Eng'r
() Carlo DeMatos	CTM – GAATN	() Nadia Barrera	PWD – Urban Trails
() Milissa Warren	EMS	() Christian Barraza	Texas Gas
() Frank Alvarez	Fire	() Scott Wratten	Time Warner
() Scott Cunningham	Google	() Katina Bohrer	WPD (Engineering)
() Luis Mata	Grande Communication		

A request has been received for the encroachment of the **West 13th ½ Street Right of Way** (Adjacent to 1304 Rio Grande Street). The encroachment is approximately 50 square feet, and consists of an existing 2 story chimney located on the south side of an existing structure.

Please review this request and return your comments to Eric Hammack (974-7079), email address: landmanagement@austintexas.gov or Fax: 974-7088. Physical address: Office of Real Estate Services, 505 Barton Springs Road, Suite 1350. Due Date: **March 2nd, 2016.**

APPROVAL: _____ YES _____ Yes, Subj. to Req'm't _____ No

Comments: _____

Imagine Austin Comprehensive Plan - - - (CITY OF AUSTIN REVIEWERS ONLY):

Please also review the Vacation request based on the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan (page 186).

Comments: _____

Reviewed by: _____

Telephone: _____

Date: _____



CIVILITUDE
ENGINEERS & PLANNERS

January 12, 2016

Eric Hammack
Office of Real Estate Services
505 Barton Springs Road, Suite 1350
Austin, Texas 78704

Re: Encroachment Agreement Request - 1304 Rio Grande

Dear Mr. Hammack,

On behalf of my Client, please accept this letter, application and attachments as our formal request for an encroachment agreement for the roughly 50 SF of articulated entry area that encroaches into the ROW of W 13 ½ Street. The structure is over 60 years old and our team has been "encouraged" by Steve Sadowsky to maintain the façade and windows. We are in discussions with ATD and Transportation Review staff about the adjustments to the curb alignment in W 13 ½ Street to allow an ADA accessible sidewalk in front of the encroaching entry.

This is a commercial project with an existing encroachment. The city did not purchase the area. There are no utility lines within the existing encroachment area but they are in close proximity. We plan to leave the existing encroachment area as is. A site plan application has been submitted for this project, SP-2015-0173C, as a Unified Development across the two lots that it encompasses. This project is not certified as a S.M.A.R.T. Housing Project. The anticipated start date for construction on this project is July 2016. The current use/status of the adjacent properties are existing apartments. There is currently residential driveway parking on the property. None of the area of encroachment lies within UT boundaries. It lies within Downtown boundaries.

The proposed encroachment supports the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan.

1. Promotes a compact and connected Austin by adding lodging rooms in the urban core with convenient transit and pedestrian options.
2. Low flow fixtures will be used to conserve water resources.
3. Create local employment opportunities for staff at Bed and Breakfast.
4. While stormwater quality is being addressed by paying a fee, landscaping will be such that it promotes rainwater runoff to irrigate ground cover.
5. This will be a locally owned entrepreneurial endeavor with an Austin vibe.
6. This project does not affect household affordability because it maintains a commercial use.
7. The project location is within a third of a mile from Shoal Creek Trail and encourages its use to promote a healthy lifestyle.

The site plan application expires in late April 2016 – I would appreciate any expedition and availability to answer questions.

Sincerely,

Faye Kazi, PE LEED

Application for an Encroachment Agreement

File No. 9647-1602
Department Use OnlyDATE: 2-16-16
Department Use Only

1. TYPE OF ENCROACHMENT

Encroachment Type: ☒ Aerial ☒ Sub-surface ☒ SurfaceList TYPE OF ENCROACHMENT to be placed on Public Property: building articulated frontHas encroachment been installed prior to application: ☒ Yes ☐ No ☐ ExistingAdjoins property at the following street address: 1304 Rio Grande St, Austin TX 78701

2. PROPERTY DESCRIPTION OF ENCROACHMENT AREA

Parcel #: 199637
Survey & Abstract No. _____
Lot(s) 5 Block 153 Outlot _____
Subdivision Name: Original City
Plat Book Vol 12799 Page Number 448 Document Number 2014115620
County/Records: Travis County; Deed ☒ Real Property ☐ Official Public
NOTE: Attach three dimensional metes and bounds survey of Encroachment area.

3. RELATED CASES

FILE NUMBERS

Existing Site Plan: YES / ☒ NO
Subdivision: Case: YES / ☒ NO
Building Permit: YES / ☒ NO

4. APPLICANT INFORMATION

Name: Fayez Kazi, PE LEED
Firm Name: Civilitude, LLC
Address: 1210 Rosewood Ave City: Austin State: TX
Zip: 78702 Phone: (512) 761-6161 Fax No.: (512) 761-6167
EMAIL ADDRESS: Fayez@Civilitude.com

5. DEVELOPER INFORMATION

Name: Lewis E. Goldstein
Firm Name: Austin Spirits, LLC
Address: 6605 Beauford Drive City: Austin State: TX
Zip: 78750 Phone: (512) 426-0010 Fax No.: () _____

6. LANDOWNER INFORMATION

Name: <u>Austin Spirits, LLC</u> (as shown on Deed)			
Address: <u>6605 Beauford Drive</u>		City: <u>Austin</u>	State: <u>TX</u>
Zip: <u>78750</u>	Phone: <u>(512) 426-0010</u>	Fax No.: <u>()</u>	
Lienholder Name: <u>Legacy Bank</u>			
Lienholder Address: <u>2100 N Hwy 81, Duncan OK 73533</u>			
Lienholder Phone Number: <u>580-470-1581</u>		Fax Number: <u>580-252-6432</u>	
(If multiple owners are joining in this request – complete names, addresses on each, must be attached.)			

7. LICENSEE INFORMATION, if other than Landowner (Tenant)

Name: _____			
Address: _____		City: _____	State: _____
Zip: _____	Phone: <u>()</u>	Fax No.: <u>()</u>	
Contact Person: _____		Phone: _____	

I the undersigned Applicant declare that the information provided in this application is true and correct. I have read and understand that the processing of this Application will be handled in accordance with the Procedure for Requesting an Encroachment Agreement and that no action on processing will be taken without payment of the non-refundable processing fee. I understand that acceptance of this application and fee in no way obligates the City to enter into an Encroachment Agreement. I understand that the value of the Right-of-Way, if allowed to be encroached, will be determined by the City of Austin, Real Estate Services Division, a certified check will be required before scheduling an agenda item for Council review and Certificate of Insurance must be presented before an agreement, if approved, is executed. It is further understood that the City is not responsible for any cost or inconvenience incurred by the Applicant when the application is not approved.

Signed By:  _____
Applicant

Please check the appropriate box.

- ☐ Landowner
- ☐ Tenant
- ☒ Agent for Landowner
- ☐ Agent for Tenant

**ENCROACHMENT DESCRIPTION BEING A
PART OF THE SOUTH ONE-HALF OF LOT 5, BLOCK 153
ORIGINAL CITY OF AUSTIN, TEXAS**

BEING ALL OF THAT certain lot, tract or parcel of land lying and being situated in the City of Austin, Travis County, Texas, being a portion of Lot 5, Block 153, of the **SOUTH ONE-HALF OF LOT 5, BLOCK 153, ORIGINAL CITY OF AUSTIN, TEXAS**, an addition to the City of Austin, Travis County, Texas, according to the map or plat recorded in the General Land Office of the State of Texas same being a part of that certain lot, tract or parcel of land as described in a General Warranty Deed recorded under Travis County Clerk's Document No. 2014115620 of the Official Public Records of Travis County, Texas, (O.P.R.T.C.T.), and being more particularly described as follows:

COMMENCING at a 1/2" Iron rebar with a plastic yellow cap found for corner in the intersection of the west line of Rio Grande Street an undetermined public right-of-way width t this point with the north line of West 13-1/2 Street, an undetermined public right-of-way at this point and being also the southeast corner of said Lot 5, Block 153;

THENCE North 73°03' 12" West, continuing with the north line of West 13-1/2 Street and the south line of said Lot 5, Block 153, a distance of 52.54 feet to a point for corner lying and being in the face of an existing two-story stucco building and the **PLACE OF BEGINNING** of the herein described encroaching building into the north right-of-way line of said West 13-1/2 Street;

THENCE South 17°13' 17" West, continuing with the face of said building, a distance of 3.00 feet to a point for corner;

THENCE North 72°46' 43" West, continuing with the face of said building, a distance of 4.80 feet to a point for corner;

THENCE North 17°13' 17" West, continuing with the face of said building, a distance of 1.00 feet to a point for corner;

THENCE North 72°46' 43" West, continuing with the face of said building, a distance of 5.50 feet to a point for corner;

THENCE North 17°13'173" East, continuing with the face of said building, a distance of 1.00 feet to a point for corner;

THENCE North 72°46' 43" West, continuing with the face of said building, a distance of 4.80 feet to a point for corner;

THENCE North 17°13'173" East, continuing with the face of said building, a distance of 2.90 feet to a point for corner;

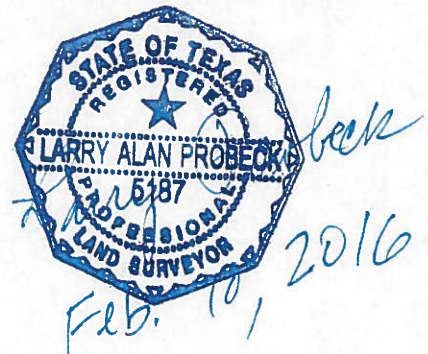
THENCE South 72° 46' 43" West, a distance of 15.10 feet to the **PLACE OF BEGINNING** containing 50.00 square feet or 0.0011 acres of land.

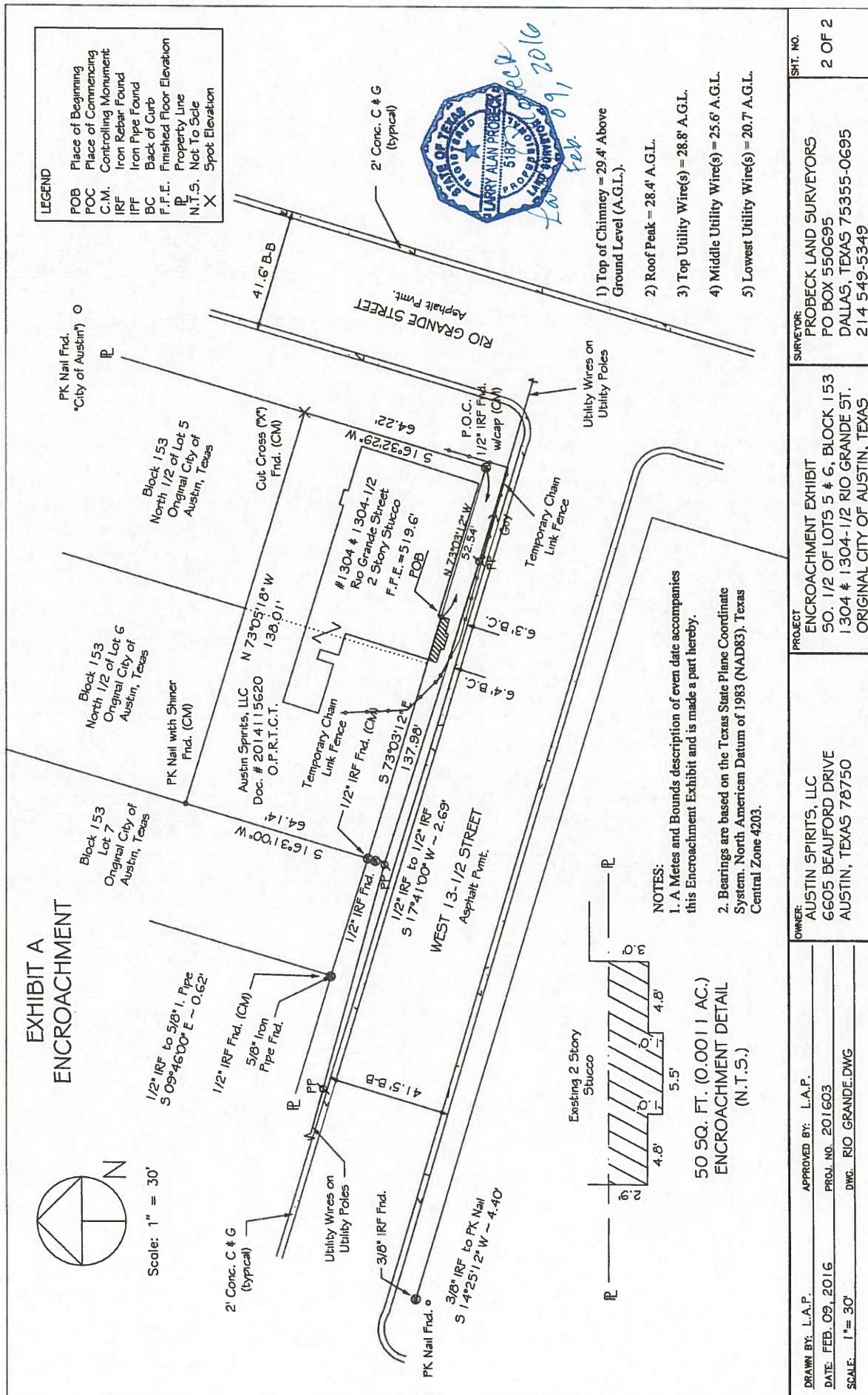
A survey map or plat of even date accompanies this Metes and Bounds Encroachment Description and is made a part hereby.

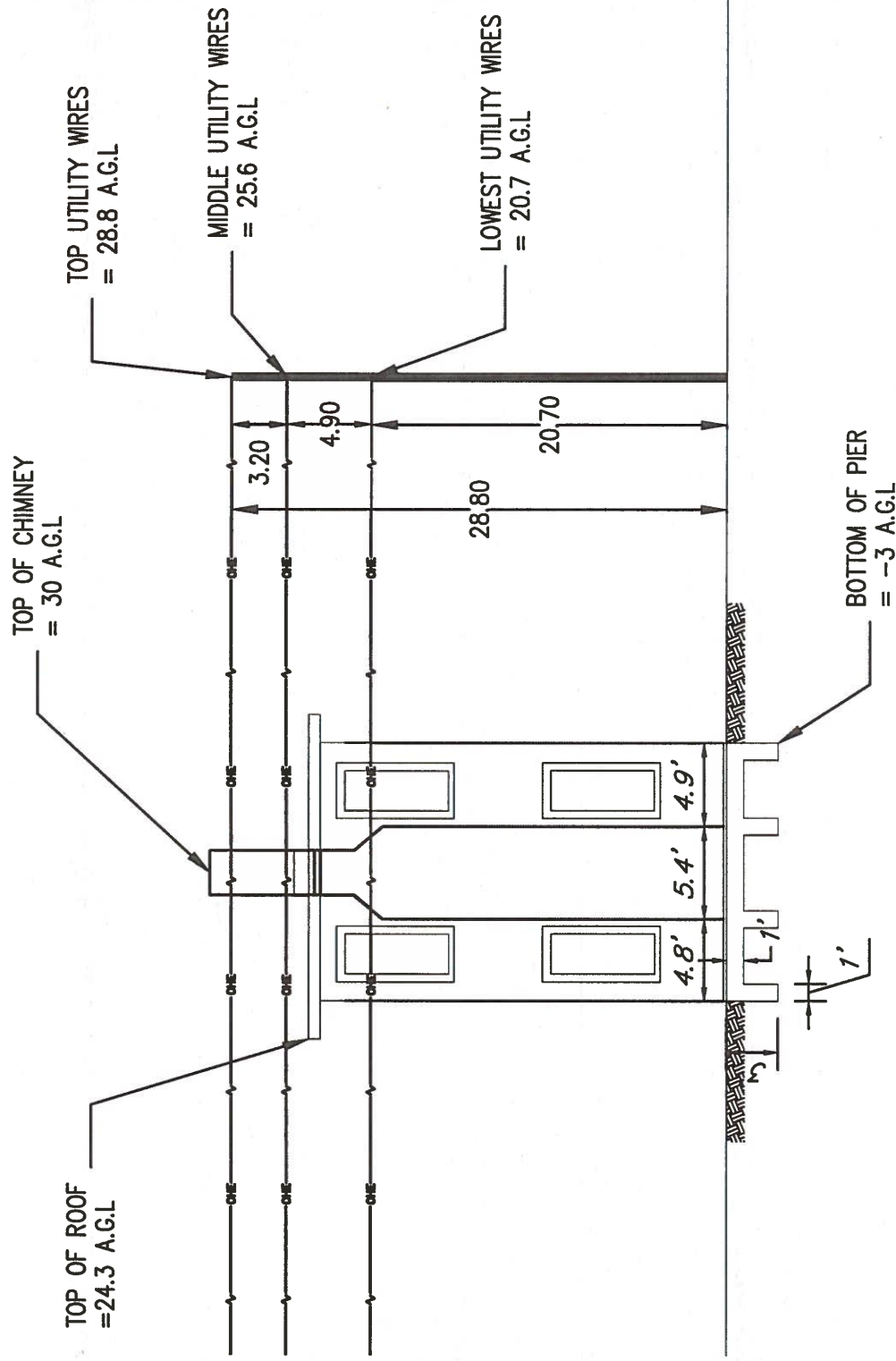
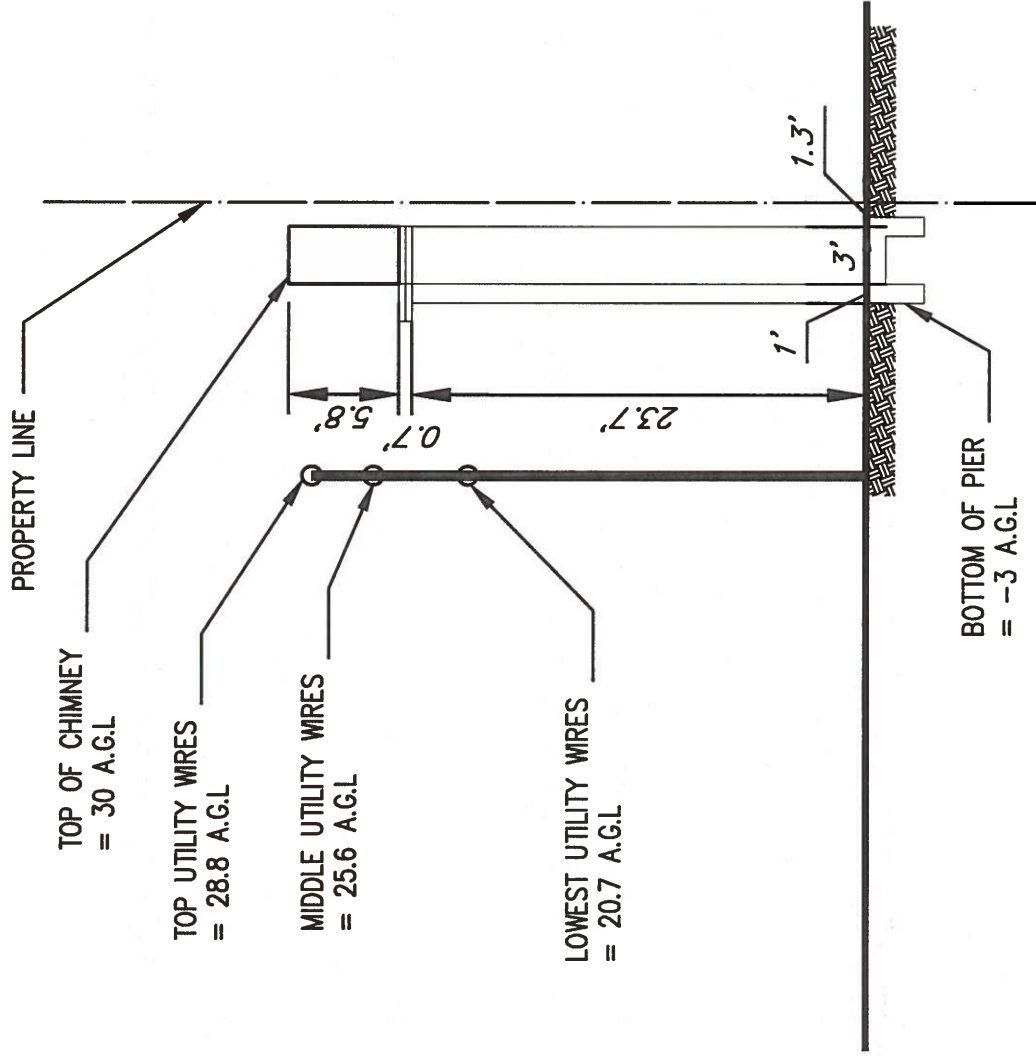
Bearings are based on the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83). Texas Central Zone 4303.

February 10, 2016

Larry Probeck, RPLS
Probeck Land Surveyors
PO Box 550695
Dallas, Texas 75355-0695
214 549-5349
TBPLS Firm No. 10042600
lprobeck@earthlink.net



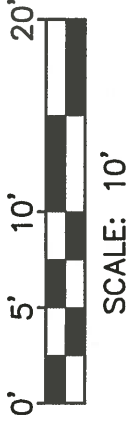




ENCROACHMENT AREA LOOKING WEST

ENCROACHMENT AREA LOOKING NORTH

NOTE:
ELEVATIONS AND OVERHEAD CABLES
REPRESENTED ARE BASED ON A 3D SURVEY
PERFORMED BY REGISTERED PROFESSIONAL
LAND SURVEYOR # 5187, LARRY ALAN
PROBECK. SUBSURFACE STRUCTURAL SLAB
AND PIERS ARE ESTIMATED BASED ON THE
PROFESSIONAL ENGINEERING JUDGMENT OF
LICENSED PROFESSIONAL ENGINEER # 96489,
FAYEZ S KAZI, BECAUSE NO EXISTING
RECORDS COULD BE FOUND.



BED & BREAKFAST
1304 RIO GRANDE ST. AUSTIN, TX 78701
3D EXHIBIT ENCROACHMENT AREA

CIVILITUDE
ENGINEERS & PLANNERS
1210 ROSEWOOD ST. AUSTIN, TX 78702
PHONE 512 761 6161 FAX 512 985 0207
FIRM REG# F-12469 INFO@CIVILITUDE.COM

SCALE: 1"=20'
DATE: 02/11/2016
JOB NO: A203 SHEET 1 OF 1

